



**CITY APPOINTEES**  
 MARY SHARP, VICE CHAIR  
 BERLIN BOYD  
 RUSTY LINKOUS  
 MARGARET PRITCHARD  
 JAMES TOLES

# MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976  
 JOSH WHITEHEAD, AICP, SECRETARY  
 CITY HALL - 125 N. MAIN ST., STE. 408 - MEMPHIS, TENNESSEE 38103 - (901) 576-0619



**COUNTY APPOINTEES**  
 JON MCCREERY, CHAIR  
 ROBERT NORCROSS  
 EMILY TRENHOLM  
 LISA WILBANKS  
 ROSLYN WILLIS

## MINUTES June 14, 2012

### Meeting Attendance

#### LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairman	Mary Sharp	X	
Member	Berlin Boyd		X
Member	Rusty Linkous		X
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Member	Rosalyn Willis	X	
Alternate Member	Frank Colvett, Jr.	X	

### Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

**LUCB Staff:** Josh Whitehead, Secretary of Land Use Control Board, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, and Chip Saliba.

**Others Present:** Scott A, Rick Bennett, Homer Branan, David Bray, Rev. Franklin DeBerry, Fannie Holt, Dick Leike, Harvey Markham, Tim McCaskill and Cindy Reaves.

### Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

### Secretary's Report

There was none.

### Approval of Minutes: May 10, 2012

Board Member Pritchard made a motion to approve the minutes with the noted corrections. Board Member Wilbanks seconded the motion. The motion passed unanimously.

### **General Order of Public Hearing**

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 and 5 were read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items.

### **Consent Agenda (Items 1 and 5)**

**1. CASE NUMBER:** S 12-005 CC  
**DEVELOPMENT NAME:** RE-SUBDIVISION OF LOT 4 OF HARRIS FARM'S SUBDIVISION

Request: Re-subdivide Lot 4 of Harris Farm's Subdivision  
Staff's Recommendation: Approval with conditions

**2. CASE NUMBER:** S 12-007  
**DEVELOPMENT NAME:** TRINITY ROAD SUBDIVISION

Request: Three (3) lots  
Staff's Recommendation: Approval with conditions

**3. CASE NUMBER:** SNC 12-804  
**DEVELOPMENT NAME:** STILES DRIVE

Request: Street name change to Stiles Drive  
Staff's Recommendation: Approval

**4. CASE NUMBER:** PD 87-396  
**DEVELOPMENT NAME:** SUMMER AVENUE RETAIL CENTRE PLANNED DEVELOPMENT

Request: ATM machine addition to existing shopping center parking lot  
Staff's Recommendation: Approval

**5. CASE NUMBER:** PD 94-326 CC  
**DEVELOPMENT NAME:** SOUTHWIND PLANNED DEVELOPMENT, PHASE 41

Request: Construct 366 temporary parking spaces to be used for a period of time not to exceed 48 months  
Staff's Recommendation: Approval with conditions

Discussion Summary –Cases #1 S 12-005 CC and #2 S 12-007 was requested to be pulled from the Consent Agenda. Board Member Wilbanks made a motion to approve Consent Agenda Items 3, 4 and 5. The motion was seconded by Board Member Pritchard. The motion passed unanimously.

### **PULLED CONSENT AGENDA ITEMS 1 AND 2**

**Item 1: CASE #: S 12-005 CC**

**RE-SUBDIVISION OF LOT 4 OF HARRIS FARM'S  
SUBDIVISION**

Request 2 lots

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Cindy Reaves approached and stated her name and address as 5909 Shelby Oaks Dr., Ste. 200. She noted that there had been some friendly amendments made by staff.

Chairman McCreery then asked staff to present only the amendments that had been agreed upon with applicant instead of presenting a staff report.

Greg Love approached and stated that staff and the applicant had agreed to the Revised Conditions #1 thru #5 submitted, replacing only conditions #1 thru #14 in the staff report. Conditions #15 and #16 would remain as originally submitted in the staff report. Also, the Revised Condition #2 would include language "with plumbing" inserted between "structure" and "be".

Chairman McCreery asked if the applicant was in agreement with the friendly amendments as noted by staff. Ms. Reaves stated she agreed. Chairman then asked for a motion.

Board member Wilbanks made a motion to approve case S 12-005 CC with the friendly amendments as so noted by staff. The motion was seconded by Board Member Colvett. The motion passed unanimously.

**Item 2: CASE #: S 12-007**

**TRINITY ROAD SUBDIVISION**

Request for three (3) lots

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was opposition. Chairman then asked staff to present a staff report.

Chip Saliba gave a brief summary of the staff report which included the location of property site and the proposed plan for a 3 lot subdivision in Cordova. He noted that Lot 1 does not have a use proposal, Lot 2 is proposed for a Volvo dealership, and Lot 3 for billboard site. He showed aerial pictures, the boundaries, aerial and zoning maps of the property site which included other public and private owned properties. Chip spoke in detail regarding the Fisher Steel Vision Plan for the area. He gave a brief history, the street connectivity needed and other elements of the Fisher Steel Vision Redevelopment Plan which was not adopted by the City Council. He also explained and gave reasons for including another portion of property owned by Dick Leike as a fourth lot in the proposed plan. Chip stated staff's approval with conditions for the application to include a street be extended through the proposed site and the Leike Property be included in the plan. Chip showed two road location options to consider.

Chairman McCreery asked the applicant or representative to come forward and give his comments.

Homer Branan, representative for the applicant, approached and stated his name and address as 999 S. Shady Grove, Ste. 500. He stated several reasons why the owner of Volvo of Memphis wanted to move into the proposed area after being turned down by other properties throughout Memphis. He added that the proposed auto dealership development would be compatible with the neighboring businesses, and that there was no need for a public road to be built as part of the proposed subdivision. Mr. Branan also presented an alternative for adding a street near the proposed site.

Dick Leike, owner of the adjoining property to the west on Moriarty Road, approached and stated his name and address as 6525 Quail Hollow Rd. He felt the site would be good for the dealership and his concern was for the staff's recommendation for the road. He stated the proposal that Mr. Branan presented would be best instead of running the road on his property. He added that he opposes the application if it causes him to add a road through his property.

Chairman McCreery asked for a motion for Board discussion and before letting any other opposition speak. Board Member Wilbanks made a motion to approve case S 12-007. The motion was seconded by Board Member Sharp.

Board Member Pritchard requested for the opposition to approach with their comments.

Scott Imorde approached and stated his name and address as 1025 Cherry Road and that he was in opposition of the north/south road recommendation by staff.

Rick Bennett approached and stated his name and address as 999 S. Shady Grove, Ste. 500. He stated that after the owners had looked at several other options for a dealership, the proposed site was the last available. He added that the addition of the north/south road would not benefit the property or Volvo dealership and would only be at an additional cost and loss of land for the dealership. He felt a more westerly-located road off the proposed development site (Mr. Branan's proposal – Option 3) would be better for the development.

Board Member Colvett asked staff if the off-site road location offered by Mr. Branan could be considered as an option or condition for approval.

Chip Saliba stated that it would work, but could not be conditioned as part of the approval since it was off-site. He also expressed concern if it could be engineered to work. He added that there needs to be more north/south circulation in the area. Harvey Marcom was asked and stated that he felt the off-site road could work.

Board Member Colvett made a suggestion to add the Option 3 off-site to the conditions, if it was found feasible to work for the proposed site and if not, staff's recommendation for north/south bound road - Option 2 would be implemented.

Chairman McCreery stated that if there is a road needed, it should be in location where the Fischer Steel Vision Plan designates. He stated that the road would not make any major impact

for the area, especially relieving any traffic on Germantown Parkway. He did not feel that movement/shifting of the road off the site should become the expense of the City.

Board Member Wilbanks stated that the road did not have to be built today, but it does need to be dedicated today and possibly later released if a better location comes along.

Chairman McCreery asked Mr. Branan if dedicating the north/south road would be acceptable. He stated that per Mr. Leike's comments, he would not want that to happen.

Chairman McCreery asked for a vote on the motion on the floor. The motion was rejected with a 3-6 vote. Chairman McCreery and Board Members Toles and Colvett voted Aye. Board Members Norcross, Pritchard, Sharp, Trenholm, Wilbanks and Willis voted Nay.

Discussion for clarity on the vote was done. It was established that Option 3 for an off-site westbound road was not being considered in the vote, but rather only the staff's recommendation for Option 1 or Option 2 for an on-site north/south road. Board Member Norcross made a motion to reconsider the motion/vote. The motion to reconsider was seconded by Board Member Wilbanks. The motion passed unanimously.

Board Member Pritchard made a motion for a friendly amendment to the original motion to Condition #2 recommended by staff to remove the language "and improve". The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

## **REGULAR AGENDA ITEMS 6-10**

Chairman McCreery introduced Board Member Libby Pritchard to serve as Zoning Chair.

### **Item 6: CASE #: P.D. 12-307**

#### **MCLEMORE-FOURTH PLANNED DEVELOPMENT**

Request for a Planned Development for a 4,800 sq. ft. retail building to allow Commercial Mixed Use (CMU-1) District land uses.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was opposition. Chairman then asked staff to present a staff report.

Brian Bacchus gave a brief summary of the staff report which included the location of property site (corner of McLemore and Fourth) and the proposed plan for a planned development for 4,800 sq. ft. retail building to allow for Commercial Mixed Use. He showed aerial pictures, the boundaries, aerial and zoning maps of the property site which included other public and private owned properties. He noted the curb, gutters and sidewalks were in need of repair surrounding the property site.

He pointed out the entrance (McLemore), exit (Fourth St.) and landscaping for the site. Brian mentioned that there were no general public opposition and one call (Mr. Danley) in support of the application.

Chairman McCreery asked the applicant or representative to come forward and give his comments.

David Bray, approached and stated his name and address as 2950 Stage Plaza North, Bartlett, TN. He stated that he agreed with staff's recommendation but was aware of the concerns from residents (Ms. Holt and Mr. Phillips). He requested for the residents to give comments and he would give a rebuttal.

Chairman McCreery asked the opposition to come forward and give comments.

Ms. Fannie Holt approached and stated her name and address as 1120 Latham. She stated that she was pleased that new business wanted to get established in the neighborhood but due to so many turnovers of failed businesses, she felt they should be made aware or consider in what type of business would benefit the area and residents.

Rev. Franklin DeBerry approached and stated his name and address as 407 McLemore – Tree of Life Baptist Church. He stated the morning of the meeting was the first time he had heard of the development of a 2-story plan for the site. He felt the entire site plan was wrong for the area, especially the parking lot and entrance which would be located near current homes. He would like more time to meet with Mr. Bray to discuss options and what could be place on the site that would be mutually agreed upon.

Chairman McCreery asked the applicant to come forward and give his rebuttal comments.

David Bray stated that he was aware of the resident's concerns and he had no problem in using a more conventional site plan if the board recommended.

Chairman McCreery asked for a motion for board discussion.

Board Member Pritchard made a motion to approve case **P.D. 12-307**. The motion was seconded by Board Member Toles.

Board Member Trenholm stated that she liked the site plan and the owners could address some of the security concerns.

Board Member Toles asked staff what could be some of the mixed uses for the site so the opposition would be aware of the possibilities. He also suggested time for the residents and owners to get together before the next meeting to discuss options for the site.

Brian stated the uses included: all indoor recreation, office uses, small restaurant, laundry mat, bakery, and cleaning establishment, etc.

Chairman McCreery asked Rev. DeBerry if he was in opposition of the overall project or the site plan for the building. Rev. DeBerry stated the site plan for the building, and what type of business is going in the building.

Chairman McCreery pointed out and asked staff since application is for a PD, where were the plans for the elevations, greenery, and landscaping for the board to review. Brian stated that staff was awaiting that information for further review during the planning process. Chairman suggested to the applicant a 30-day hold to provide that information for review. The applicant agreed, but wanted direction on the position of the building on the site.

Chairman McCreery asked for a motion for the position of the building. Board Member Pritchard suggested that the board just vote on the hold and allow the applicant and residents to meet to come up with an option, instead of the board making any decisions.

Board Member Pritchard made a motion for a 30-day hold to allow the applicant and residents to meet to discuss the position of the building on the site, the elevations, greenery, and landscaping. The motion was seconded by Board Member Toles. The motion passed unanimously.

**Item 7: CASE #: P.D. 12-308**

**BILLY MAY PLANNED DEVELOPMENT**

Request for a mixed use Planned Development to include commercial and office uses and to allow outdoor sales in Area A.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Tim McCaskill approached and stated his name and address as 7620 Appling Center Dr. and that he agreed with staff's recommendations.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approved case **P.D. 12-308** as recommended by staff. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

**Item 8: CASE #: P.D. 12-309**

**FRANKIE'S PLANNED DEVELOPMENT**

Request for a Used Auto Sales/Service.

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition. Chairman McCreery stated that staff and representative for the applicant (Cindy Reaves, SR Consulting) were charged with working on friendly amendments in the Executive Session to present. Don Jones stated that staff met with Ms. Reaves and implemented friendly amendments but there was one he wanted Ms. Reaves to present to the board for approval. Don read for the record the following that staff and Ms. Reaves agreed upon.(page 11)(IV, F) – include language, “The existing gate is permitted at its current location”.

(V, A) – keep current language and add, “The existing chain-link fence is permitted and maybe electrified but shall not include barb-wire. Signs indicating the fence is electrified shall be attached to the fence at 50ft. intervals.

(page 12)

(Condition 1) – include language, “Landscaping in the form of Holly shrubs shall be maintained at 6ft. in height and spaced 5ft. on center”. This applies to the North and East perimeter beyond the primary display area.

(Condition 2, #B and #D) – strike the language entirely from the report.

(#E) – keep #2

(#A) – reword statement with language, “Planters located on either side of the door of the building may be substituted for the required planting at the base of the sign subject to the review and approval of OPD.

(page 13)

(3#) – keep the first sentence only and strike the remainder.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve case **P.D. 12-309** as amended. The motion was seconded by Board Member Wilbanks. Chairman McCreery then asked Ms. Reaves to come forward and present her amendment for consideration.

Cindy Reaves approached and stated her name and address as 5909 Shelby Oaks Dr., Ste. 200. She stated that she would like to get the condition of providing a Photo Metrics Plan removed entirely due to the additional cost and let the existing lighting remain.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approve to omit on page 12, D-1 and G-2 & 3 as requested by applicant. The motion was seconded by Board Member Colvett. The motion passed unanimously.

Chairman McCreery then asked for a vote on the original motion with the amendments. The motion passed unanimously.

**Item 9: CASE #: P.D. 12-310 CC CARING ESTATES PLANNED DEVELOPMENT**

Request to allow a residential home for the elderly, assisted living facility within the R-10 (Residential Single Family-10) District.

Staff's Recommendation: Hold for thirty (30) days

**Case was held.**



**Item 10: CASE #: Z 12-105**

**West side of Jack Carley at W. Triggs Avenue**

Request to change the zoning to Heavy Industrial (I-H) District.

Staff's Recommendation: Approval

Chairman McCreery asked if the applicant was present, in agreement with staff's recommendation and if there were any opposition. There was no opposition.

Applicant was in agreement with staff's recommendation.

Chairman McCreery asked for a motion. Board Member Pritchard made a motion to approved case **Z 12-105** as recommended by staff. The motion was seconded by Board Member Sharp. The motion passed unanimously.

**ADJOURNMENT:**

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED: \_\_\_\_\_

CHAIRMAN

SECRETARY